

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9 are pending in the present application.

In the outstanding Office Action, Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano et al (U.S. Pat. No. 6,011,787) in view of Higuchi et al (U.S. Pat. No. 6,167,037). Claims 7-9 were objected to as being dependent upon rejection base claim, but were indicated as being allowable if rewritten to be in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 7-9.

Nakano et al disclose a code generator 35 for generating a downlink communication spread code assigned to each mobile station (column 6, lines 59-60), and discloses a code generator 55 for generating an uplink communication spread code assigned to each mobile station (column 7, lines 22-23). Although Nakano et al disclose a code assigned to each mobile station, Applicants respectfully submit that Nakano et al do not teach "assigning a code associated with each base station group including more than one base station or a code associated with each network type to which said base station group belongs."

The Office Action suggests that Nakano et al teach "a code associated with each network type to which said base station group belongs."¹ However, since Nakano et al merely disclose a code assigned to each mobile station, Applicants do not believe that

¹ Office Action, page 2, lines 18-21.

Nakano et al teach “a code associated with each network type to which said base station group belongs.” At least for this reason, Claims 1-6 are believed to be patentable.

Moreover, the Office Action suggest that Higuchi et al teach a “second spreading code functions as an identifier of said base station group or said network type.”² While for sake of argument the claimed second spreading code might be construed to correspond to the long code in Higuchi et al, in Higuchi et al, each base station has a different long code (column 10, line 22) so that the types of the long codes differ from base station to base station (column 10, lines 44 and 45). Thus, Higuchi et al do not disclose or suggest that the second spreading code (long code) functions as an identifier of a base station group or a network type.

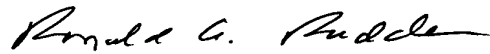
Hence, with neither Nakano et al or Higuchi et al separately or when combined disclosing or suggesting using the spreading code to function as an identifier of a group, it is respectfully submitted that independent Claims 1-6 and the claims dependent therefrom patentably define over Nakano et al and Higuchi et al.

² Office Action, page 3, last line, to page 4, line 4.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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